

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2408.pct	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEAA16)	
International application No. PCT/GB 03/03266	International filing date (day/month/year) 24.07.2003	Priority date (day/month/year) 27.07.2002
International Patent Classification (IPC) or both national classification and IPC A01G27/00		
Applicant SMART TECH LTD et Al.		



  

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 4 sheets.</p>
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<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the opinion</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>
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Date of submission of the demand  20.02.2004	Date of completion of this report  07.07.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Mayer, R  Telephone No. +49 89 2399-2094 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB 03/03266

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-30 as originally filed

**Claims, Numbers**

1-26 received on 02.06.2004 with letter of 28.05.2004

**Drawings, Sheets**

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1
Inventive step (IS)	Yes: Claims	
	No: Claims	2-26
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/GB03/03266

Item V:

The subject-matter of independent claim 1 is not considered novel:

FR-A- 2406387 discloses a plant cultivation system comprising a water insoluble polymer 2 contained within a porous enclosure (see claim 5), wherein the polymer is a poly ethylene oxide hydrogel (p. 2, l. 6, claims). Hence, all the features of claim 1 are disclosed.

The features of the dependent claims, insofar as they are not known from the documents cited in the Search Report for the same purpose as in your application, are generally known to a person skilled in the art, and, therefore, do not produce an inventive step. (Claims 22, 25, 26 are dependent claims since they comprise all the features of claim 1).

The industrial applicability is obvious.

DT05 Rec'd PCT/PTO 27 JAN 2005

1 CLAIMS

2

3 1. A plant cultivation system comprising a water  
4 insoluble polymer contained within a porous bag or  
5 enclosure, characterised by the water insoluble  
6 polymer being a poly(ethylene oxide) hydrogel.

7

8 2. A plant cultivation system as in Claim 1, which is  
9 placed close to the roots of plants growing in the  
10 ground.

11

12 3. A plant cultivation system as in Claim 1, which is  
13 placed close to the roots of plants growing in pots  
14 or containers.

15

16 4. A plant cultivation system as in any of the previous  
17 Claims, wherein the poly(ethylene oxide) hydrogel is  
18 rendered insoluble in water by physical or chemical  
19 cross-linking.

20

21 5. A plant cultivation system as in any of the previous  
22 Claims, wherein the hydrogel particles are between  
23 100 microns to 1cm in diameter.

24

25 6. A plant cultivation system as in any of the previous  
26 Claims, wherein the poly(ethylene oxide) hydrogel  
27 contains additives.

28

29 7. A plant cultivation system as in any of the previous  
30 Claims, wherein the poly(ethylene oxide) hydrogel is  
31 coloured.

32

- 1 8. A plant cultivation system as in any of the previous  
2 Claims, wherein the poly(ethylene oxide) hydrogel  
3 swells rapidly on contact with water.  
4
- 5 9. A plant cultivation system as in any of the previous  
6 Claims, wherein one kilogram of dry poly(ethylene  
7 oxide) hydrogel will store 3 to 20 litres of water.  
8
- 9 10. A plant cultivation system as in any of the previous  
10 Claims, wherein the porous bag is rapidly permeable  
11 to water.  
12
- 13 11. A plant cultivation system as in any of the previous  
14 Claims, wherein the porous bag is produced in  
15 different sizes, such that it is suitable for a  
16 range of plants and containers.  
17
- 18 12. A plant cultivation system as in any of the previous  
19 Claims, wherein the porous bag is produced in a  
20 range of different shapes, so that it is suitable  
21 for a range of plants and containers.  
22
- 23 13. A plant cultivation system as in any of the previous  
24 Claims, wherein the amount of poly(ethylene oxide)  
25 hydrogel in a porous bag is altered depending on the  
26 water requirements of the plant for which it is to  
27 be used with..  
28
- 29 14. A plant cultivation system as in any of the previous  
30 Claims, wherein the size of the pores in the  
31 exterior material of the porous bag are as large as  
32 possible without allowing the significant escape of  
33 contained particulate hydrogel.  
34

- 1 15. A plant cultivation system as in any of the previous  
2 Claims, wherein the porous bag is sealed by heat  
3 sealing.  
4
- 5 16. A plant cultivation system as in Claims 1 to 15,  
6 wherein the bag is sealed by stitching.  
7
- 8 17. A plant cultivation system as in Claims 1 to 15,  
9 wherein the bag is sealed by glue.  
10
- 11 18. A plant cultivation system as in any of the previous  
12 Claims, wherein the porous bag is produced from a  
13 material with an air water surface contact angle  
14 below 90°.  
15
- 16 19. A plant cultivation system as in Claims 1 to 17,  
17 wherein for plants with low water requirements, the  
18 porous bag is produced from a material with an air  
19 water surface contact angle of greater than 90°.  
20
- 21 20. A plant cultivation system as in any of the previous  
22 Claims, wherein the porous bag is produced from  
23 cellulose or a cellulose derivative.  
24
- 25 21. A plant cultivation system as in any of the previous  
26 Claims, wherein the porous bag is knitted, braided,  
27 woven or in the form of felt.  
28
- 29 22. A method of using a plant cultivation system, as  
30 described in any of the previous Claims, wherein the  
31 plant cultivation system is placed within a vessel  
32 containing a plant growth medium and a plant.  
33

- 1 23. A method of using a plant cultivation system as in  
2 Claim 22, wherein the vessel does not contain any  
3 apertures on the lower surface.  
4
- 5 24. A method of using a plant cultivation system as in  
6 Claim 22, wherein the vessel contains apertures to  
7 allow excess water to drain away or enter.  
8
- 9 25. A method of using the plant cultivation system  
10 described in Claims 1 to 22, wherein the plant  
11 cultivation system is placed underneath a vessel  
12 containing a plant growth medium and a plant, and  
13 wherein the vessel contains one or more apertures in  
14 the lower surface which is in contact with the plant  
15 cultivation system.  
16
- 17 26. A method of using the plant cultivation system  
18 described in any of Claims 1 to 22, wherein the  
19 plant cultivation system is placed on or under  
20 capillary matting in a container and a plant  
21 containing vessel is also placed on the capillary  
22 matting, wherein the plant containing vessel is  
23 provided with one or more apertures in its place.